

HOUSE JOURNAL.

FORTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS.

FIRST DAY.

Austin, Texas,
Tuesday, January 11, 1927.

In accordance with the laws of the State of Texas, the members-elect of the House of Representatives of the Fortieth Legislature assembled this day in the Hall of the House of Representatives in the City of Austin; and at 12 o'clock, meridian, Hon. Emma Grigsby Meharg, Secretary of State, called the Honorable House to order.

Rev. William E. Harrison, Pastor of the First Presbyterian Church of Austin, by invitation of the Honorable Secretary of State, invoked the blessings of Almighty God upon the assemblage of the Fortieth Legislature.

TEMPORARY ORGANIZATION.

For the purpose of temporary organization, the Honorable Secretary of State appointed the following temporary officers:

Chief Clerk, Carl L. Phinney.
Journal Clerk, J. L. Robinson.
Reading Clerk, Hal Bourland.
Sergeant-at-Arms, Joe W. White.
Assistant Sergeant-at-Arms, Mr. Summers.

Doorkeeper, W. M. Dickinson.
Assistant Doorkeeper, Mr. Womack.
Pages—Hurschell Purcell, James Galatin, Sumner M. Ramsey, Jr., Jack Faulkner, Jack Otting, Worth Ware, Jack Dougherty, Franklin Ray, John Payne, Edwin Walker, Sam Martin, Pennington.

Temporary Porters—Joe Johnson, Rufus Pope, Lindsey Goodman, Milton Nobles, Aaron Jones, Lee A. Duke, Henry Scroggins, Ben Rose.

ROLL OF MEMBERS SHOWING DISTRICTS REPRESENTED.

The Honorable Secretary of State directed the Clerk to call the roll of members-elect according to Representative Districts.

The roll was called according to districts, and the following members answered to their names:

District No. 1—W. J. Simmons, Texarkana.

District No. 2—J. D. Boon, Linden.

District No. 3—Tom D. Rowell, Jr., Jefferson.

District No. 4—J. D. Bass, Pittsburg.

District No. 5—Benjamin Woodall, Marshall.

District No. 6—Merritt Gibson, Hallsville.

District No. 7—S. Bert Wallace, Keachie, La., R. F. D.

District No. 8—J. B. Snelgrove, Henderson.

District No. 9—C. C. Denman, Nacogdoches.

District No. 10—John C. Rogers, Center.

District No. 11—S. R. Williams, Hemphill.

District No. 12—John F. Renfro, Huntington.

District No. 13—J. C. Ramsey, Newton.

District No. 14—B. L. Cornwell, Sour Lake.

District No. 15—Albert S. Reagan, Beaumont.

District No. 16—J. W. Kinnear, Beaumont (Place No. 1); C. E. Nicholson, Port Neches (Place No. 2).

District No. 17—A. R. Shearer, Mont Belvieu.

District No. 18—L. M. Kenyon, Galveston.

District No. 19—Norman G. Kittrell, Houston (Place No. 1); R. H. Holland, Houston (Place No. 2); Walter Acker, Sr., Houston (Place No. 3); R. Emmett Morse, Houston (Place No. 4); John H. Kirby, Houston (Place No. 5).

District No. 20—C. H. Waddell, Rosenberg.

District No. 21—A. E. Masterson, Angleton.

District No. 22—H. W. Wells, Edna.

District No. 23—J. J. Olsen, Yoakum.

District No. 24—R. A. Fuchs, Brenham.

District No. 25—Leonard Tillotson, Sealy.

District No. 26—W. S. Barron, Bryan.

District No. 27—R. A. Powell, Montgomery.

District No. 28—E. T. Murphy, Livingston.

District No. 29—C. N. Shaver, Huntsville.

District No. 30—John A. Long, Love-lady.

District No. 31—H. T. Brown, Jack-sonville.

District No. 32—H. H. Wallace, Tyler.

District No. 33—Travis E. Smith, Tyler.

District No. 34—Hubert T. Faulk, Quitman.

District No. 35—J. C. Porter, Cason.

District No. 36—Tom DeBerry, Bogata.

District No. 37—Jas. W. Stell, Paris.

District No. 38—Alton Swain, Bon-ham.

District No. 39—Sam J. King, Sul-phur Springs.

District No. 40—V. E. Conway, Com-merce.

District No. 41—F. A. Dale, Bonham.

District No. 42—S. E. Barnett, Lone Oak.

District No. 43—S. E. Bateman, Ce-lina.

District No. 44—Olan R. Van Zandt, Tioga (Place No. 1); J. J. Loy, Deni-son (Place No. 2).

District No. 45—B. L. Shirley, Mc-Kinney.

District No. 46—D. J. Enderby, Val-ley View, Route No. 2.

District No. 47—Tom L. Walker, No-cona.

District No. 48—Grady Woodruff, Paradise.

District No. 49—Fred Minor, Denton.

District No. 50—Chas. S. McCombs, Dallas (Place No. 1); Nathaniel Jacks, Dallas (Place No. 2); John E. Davis, Mesquite (Place No. 3); Ray Holder, Lancaster (Place No. 4); George C. Purl, Dallas (Place No. 5).

District No. 51—John A. Rawlins, Dallas.

District No. 52—I. Kirkland, Terrell.

District No. 53—R. E. High, Wills Point.

District No. 54—H. A. Justice, Athens.

District No. 55—R. M. Johnson, Pal-estine.

District No. 56—Henry A. Turner, Madisonville.

District No. 57—John F. Wallace, Teague.

District No. 58—Ernest C. Cox, Cor-sicana.

District No. 59—Ellis Taylor, Blum.

District No. 60—H. E. Wassell, Cor-sicana.

District No. 61—G. W. Black, Thorn-ton.

District No. 62—J. C. Kennedy, Kosse, Route No. 2.

District No. 63—Corry T. Sheats, Franklin.

District No. 64—Sam Hefley, Cam-eron.

District No. 65—Ed R. Sinks, Gid-dings.

District No. 66—James Pavlica, Fla-tonia.

District No. 67—W. M. Fly, Gonzales.

District No. 68—J. C. Albritton, York-town.

District No. 69—J. W. Stevenson, Victoria.

District No. 70—H. S. Bonham, Bee-ville.

District No. 71—L. C. Smith, Bishop.

District No. 72—E. P. Hornaday, Har-lingen.

District No. 73—W. R. Montgomery, Edinburg.

District No. 74—E. D. Dunlap, Kings-ville.

District No. 75—Robert L. Bobbitt, Laredo.

District No. 76—R. R. Smith, Jour-danton.

District No. 77—A. J. Durham, Sa-binal.

District No. 78—W. A. Williamson, San Antonio (Place No. 1); P. L. An-derson, San Antonio (Place No. 2); Henry B. Dielmann, San Antonio (Place No. 3); Harold Kayton, San Antonio (Place No. 4); T. B. Moursund, San Antonio (Place No. 5).

District No. 79—Sam Gates, Runge.

District No. 80—Reno Eickenroht, Seguin.

District No. 81—A. J. McKean, Prai-rie Lea (Place No. 1); M. W. Rogers, Kyle (Place No. 2).

District No. 82—W. T. Williams, Aus-tin (Place No. 1); M. C. Parrish, Aus-tin (Place No. 2).

District No. 83—Claud D. Teer, Granger.

District No. 84—P. B. Branch, Georgetown.

District No. 85—Alfred P. C. Petsch, Fredericksburg.

District No. 86—Roscoe Runge, Ma-son.

District No. 87—Ben F. Foster, Del Rio.

District No. 88—Henry E. Webb, Odessa.

District No. 89—Joseph McGill, El Paso (Place No. 1); W. R. Smith, Jr., El Paso (Place No. 2).

District No. 90—Adrian Pool, El Paso.

District No. 91—J. H. Boggs, San Angelo.

District No. 92—O. L. Parish, Ballinger.

District No. 93—James Finlay, Fife.

District No. 94—A. E. Nabors, Hamilton.

District No. 95—J. W. Sutton, Belton.

District No. 96—W. M. Harman, Waco.

District No. 97—Harry Jones, Waco (Place No. 1); W. R. Poage, Waco (Place No. 2).

District No. 98—J. L. Bird, Walnut Springs.

District No. 99—John H. Veatch, Joshua.

District No. 100—A. R. Stout, Ennis (Place No. 1); Bowd Farrar, Waxahachie (Place No. 2).

District No. 101—Walter H. Beck, Fort Worth (Place No. 1); J. C. Duvall, Fort Worth (Place No. 2); A. E. Harding, Fort Worth (Place No. 3); George C. Kemble, Fort Worth (Place No. 4).

District No. 102—G. R. Lipscomb, Fort Worth.

District No. 103—B. J. Forbes, Weatherford.

District No. 104—Thomas J. Renfro, Mullin.

District No. 105—W. T. Graves, Stephenville.

District No. 106—M. H. Hagaman, Ranger.

District No. 107—Victor B. Gilbert, Baird.

District No. 108—P. C. Sanders, Strawn.

District No. 109—G. W. Ware, Jermyn.

District No. 110—Reuben Loftin, Henrietta.

District No. 111—Roy J. Daniel, Wichita Falls (Place No. 1); J. D. Avis, Wichita Falls (Place No. 2).

District No. 112—Cecil Storey, Vernon.

District No. 113—A. H. King, Throckmorton.

District No. 114—R. L. Kincaid, Crowell.

District No. 115—Bowen Pope, Hamlin.

District No. 116—E. S. Cummings, Abilene.

District No. 117—J. C. Hall, Colorado.

District No. 118—J. A. Merritt, Snyder.

District No. 119—Emmett L. Whitaker, Lamesa.

District No. 120—R. P. Smyth, Plainview.

District No. 121—C. Land, Memphis.

District No. 122—Dewey Young, Wellington.

District No. 123—Lee Satterwhite, Amarillo.

District No. 124—E. C. Gray, Higgins.

District No. 125—A. L. Pearce, Coleman.

District No. 126—H. H. Moore, Cooper.

District No. 127—R. B. Alexander, Smithville.

State of Texas,
Department of State.

To the Chief Clerk, House of Representatives:

I, Emma Grigsby Meharg, Secretary of State of the State of Texas, and the designated custodian of the returns of election of the members of the Legislature, do hereby certify that the attached and foregoing is a true and correct list of the members of the House of Representatives of the Fortieth Legislature whose election has been certified to this department in accordance with the law as having been elected at the general election held throughout the State of Texas on the 2nd day of November, A. D. 1926.

In Testimony Whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the city of Austin, this 10th day of January, A. D. 1927.

EMMA GRIGSBY MEHARG,
(Seal) Secretary of State.

ROLL OF MEMBERS IN ALPHABETICAL ORDER

The Honorable Secretary of State directed the Clerk to call the roll of members-elect in alphabetical order.

The roll was called, and the following members-elect answered to their names:

Acker.	Beck.
Albritton.	Bird.
Alexander.	Black.
Anderson.	Bobbitt.
Avis.	Boggs.
Barnett.	Bonham.
Barron.	Boon.
Bass.	Branch.
Bateman.	Brown.

Conway.	Nicholson.
Cornwell.	Olsen.
Cox.	Parish of Runnels.
Cummings.	Parrish of Travis.
Dale.	Pavlica.
Daniel.	Pearce.
Davis.	Petsch.
DeBerry.	Poage.
Denman.	Pool.
Dielmann.	Pope.
Dunlap.	Porter.
Durham.	Powell.
Duvall.	Ramsey.
Eickenroht.	Rawlins.
Enderby.	Reagan.
Farrar.	Renfro of Angelina.
Faulk.	Renfro of Mills.
Finlay.	Rogers of Hays.
Fly.	Rogers of Shelby.
Forbes.	Rowell.
Foster.	Runge.
Fuchs.	Sanders.
Gates.	Satterwhite.
Gibson.	Shaver.
Gilbert.	Shearer.
Graves.	Sheats.
Gray.	Shirley.
Hagaman.	Simmons.
Hall.	Sinks.
Harding.	Smith
Harman.	of Atascosa.
Hefley.	Smith of El Paso.
High.	Smith of Nueces.
Holder.	Smith of Smith.
Holland.	Smyth.
Hornaday.	Snelgrove.
Jacks.	Stell.
Johnson.	Stevenson.
Jones.	Storey.
Justice.	Stout.
Kayton.	Sutton.
Kemble.	Swain.
Kennedy.	Taylor.
Kenyon.	Teer.
King	Tillotson.
of Throckmorton.	Van Zandt.
Kinnear.	Veatch.
Kirby.	Waddell.
Kirkland.	Walker.
Kittrell.	Wallace
Land.	of Freestone.
Lipscomb.	Wallace
Loftin.	of Panola.
Long.	Wallace of Smith.
Loy.	Ware.
McCombs.	Wassell.
McGill.	Webb.
McKean.	Wells.
Masterson.	Whitaker.
Merritt.	Williams of Sabine.
Minor.	Williams
Montgomery.	of Travis.
Moore.	Williamson.
Morse.	Woodall.
Moursund.	Woodruff.
Murphy.	Young.
Nabors.	

Absent.

King of Hopkins. Turner.
Purl.

OATH OF OFFICE ADMINISTERED.

Carl Phinney, Temporary Chief Clerk of the House, under the order and direction of the Honorable Secretary of State, then administered the oath of office to the Representatives-elect, all of them present rising together and repeating the following oath, prescribed by the Constitution, as he read it to them:

"I, do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a member of the House of Representatives of the Fortieth Legislature, according to the best of my skill and ability, agreeable to the Constitution and laws of the United States and this State, and I do further solemnly swear (or affirm) that since the adoption of the Constitution of this State, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State or out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. And I furthermore solemnly swear (or affirm) that I have not, directly or indirectly, paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God."

ELECTION OF SPEAKER.

The Honorable Secretary of State announced that the next business in order is the election of a Speaker of the House of Representatives, and announced that nominations for Speaker of the House are now in order.

Hon. Alfred P. C. Petsch of Gillespie county nominated Hon. R. L. Bobbitt of Webb county.

Hon. Cecil Storey of Wilbarger county seconded the nomination of Hon. R. L. Bobbitt.

Hon. Fred H. Minor of Denton county seconded the nomination of Hon. R. L. Bobbitt.

Hon. John H. Veatch of Johnson county seconded the nomination of Hon. R. L. Bobbitt.

Hon. W. S. Barron of Brazos county

seconded the nomination of Hon. R. L. Bobbitt and moved that the Chief Clerk of the House be instructed to cast the entire vote of the House for Hon. R. L. Bobbitt for Speaker.

The motion prevailed.

The Chief Clerk then announced that Hon. R. L. Bobbitt had received 148 votes for Speaker of the House of Representatives.

The Honorable Secretary then declared Hon. R. L. Bobbitt duly elected to be Speaker of the House of Representatives of the Fortieth Legislature.

The Honorable Secretary then appointed the following committee to escort Hon. R. L. Bobbitt to the Speaker's stand:

Messrs. Teer, Dale, Young, Rawlins and Shaver.

The committee having performed their duty, the Honorable Secretary of State administered the constitutional oath of office to the Speaker-elect.

The Honorable Secretary of State then introduced Speaker Bobbitt.

Speaker Bobbitt then addressed the House, thanking the members.

SELECTION OF SEATS.

Mr. Kittrell offered the following resolution:

Resolved, That the members now proceed to the selection of seats in the following manner. All members blind or deaf, all members partially blind or deaf, and all members over sixty years of age shall be permitted to select their seats before the general drawing, and the names of the remaining members be placed in a hat, and as his name is called by the Chief Clerk, each member shall go forward and select his seat; be it further

Resolved, That those members absent may have their seats selected for them by members from the same county or adjoining district.

The resolution was read second time and was adopted.

The provisions of the resolution were then carried out, each member coming forward and selecting his seat as his name was called.

ADOPTING TEMPORARY RULES.

Mr. Powell offered the following resolution:

Resolved, That the Rules of the House of the Thirty-ninth Legislature be observed in the proceedings of the House until the adoption of the permanent Rules by the House of the Fortieth Legislature.

Resolved further, That the Speaker appoint a Temporary Committee on Rules, to consist of five members.

The resolution was read second time and was adopted.

RECESS.

On motion of Mr. Wallace of Free-stone, the House, at 1:45 o'clock p. m., took recess to 3 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 3 o'clock p. m. and was called to order by the Speaker.

COMPLETING ORGANIZATION.

Mr. Fly offered the following resolution:

Resolved, That the House of Representatives now proceed to complete its organization, by the election of the following officers, in the order named:

1. One Chief Clerk, \$7.50 per day.
2. One Sergeant-at-Arms, \$7.50 per day.
3. One Reading Clerk, \$7.50 per day.
4. One Assistant Reading Clerk, \$7.50 per day.
5. One Journal Clerk, \$7.50 per day.
6. One Calendar Clerk, \$7.50 per day.
7. One Doorkeeper, \$5.00 per day.
8. One Assistant Doorkeeper, \$5.00 per day.
9. One Chaplain, \$5.00 per day.

Resolved further, That in voting for officers of the House, where the result shows no candidate has received a majority of all votes cast, that we proceed with the voting by dropping the name of the candidate receiving the lowest number of votes, until one candidate shall receive a majority of all the votes cast.

The resolution was read second time and was adopted.

HOUSE NOTIFIED.

A committee from the Senate appeared at the bar of the House and, being duly announced, stated that the Senate is now organized and ready for the transaction of business.

ELECTION OF CHIEF CLERK.

The Speaker announced that nominations for Chief Clerk of the House of Representatives are now in order.

Hon. W. M. Fly of Gonzales county nominated Carl Phinney of Brown county for Chief Clerk.

Hon. A. J. Durham of Uvalde county seconded the nomination of Carl Phinney.

Hon. H. S. Bonham of Bee county moved that nominations for Chief Clerk be closed and that the Reading Clerk of the House be instructed to cast the entire vote of the House for Carl Phinney for Chief Clerk.

The motion prevailed and Carl Phinney was declared duly elected Chief Clerk of the House.

ELECTION OF SERGEANT-AT-ARMS.

The Speaker announced that the next business in order is the election of Sergeant-at-Arms.

Hon. John H. Veatch of Johnson county nominated Joe White of Bexar county for Sergeant-at-Arms.

Hon. A. E. Masterson of Brazoria county seconded the nomination of Joe White for Sergeant-at-Arms, and moved that the Chief Clerk of the House cast the entire vote of the House for Joe White for Sergeant-at-Arms.

The motion prevailed, and Joe White was declared duly elected Sergeant-at-Arms of the House.

ELECTION OF READING CLERK.

The Speaker announced that the next business in order is the election of Reading Clerk.

Hon. Henry Webb of Ector county nominated Percy V. Foreman of Polk county for Reading Clerk.

Hon. A. R. Stout of Ellis county nominated Hal M. Bourland of Harris county.

Hon. A. R. Shearer of Chambers county nominated A. C. Dunn of Falls county.

Mr. Williamson offered the following resolution:

Resolved. That each candidate for Reading Clerk be required to read a section of the Constitution before the ballot for Reading Clerk is begun.

The resolution was read second time and was adopted.

In accordance with the above action, the candidates for Reading Clerk severally read a section of the Constitution.

The Speaker announced the appointment of the following tellers to take up and count the vote:

Messrs. Foster, Lipscomb, Wallace of Freestone and Dale.

The votes being taken up and counted resulted as follows:

Hal Bourland received 32 votes.

A. C. Dunn received 73 votes.

Percy V. Foreman received 43 votes.

No candidate having received a ma-

jority of all votes cast a second ballot was ordered.

Hon. Henry Webb of Ector county then withdrew the name of Percy V. Foreman as candidate for Reading Clerk and moved that the entire vote of the House be cast for A. C. Dunn for Reading Clerk.

The motion prevailed, and A. C. Dunn was declared duly elected Reading Clerk of the House.

ELECTION OF ASSISTANT READING CLERK.

The Speaker announced that the next business in order is the election of Assistant Reading Clerk.

Hon. W. A. Williamson of Bexar county nominated Percy V. Foreman of Polk county.

Hon. Walter Acker of Harris county nominated Hal Bourland of Harris county.

On motion of Mr. Jacks the nominations for Assistant Reading Clerk were declared closed.

The Speaker instructed the same tellers acting as before to take up and count the vote.

(Mr. Storey in the chair.)

The vote being taken up and counted resulted as follows:

Percy Foreman received 97 votes.

Hal Bourland received 47 votes.

Percy Foreman having received a majority of all votes cast was declared duly elected Assistant Reading Clerk of the House of Representatives.

ELECTION OF JOURNAL CLERK.

The Speaker announced the next business in order is the election of Journal Clerk.

Hon. Harold Kayton of Bexar county nominated J. L. Robinson of Travis county for Journal Clerk.

Hon. George Kemble of Tarrant county seconded the nomination of J. L. Robinson, and moved that the entire vote of the House be cast for J. L. Robinson for Journal Clerk.

The motion prevailed and J. L. Robinson was declared duly elected Journal Clerk of the House.

(Speaker in the chair.)

ELECTION OF CALENDAR CLERK.

The Speaker announced that the next business in order is the election of Calendar Clerk.

Hon. Ernest C. Cox of Navarro county nominated Mrs. V. D. Fugler of Travis county for Calendar Clerk.

Hon. W. M. Harman of McLennan county nominated Mrs. J. E. Crosby of Travis for Calendar Clerk.

Hon. Norman G. Kittrell of Harris county seconded the nomination of Mrs. V. D. Fugler.

Hon. Corry Sheats of Robertson county seconded the nomination of Mrs. J. E. Crosby.

The Speaker announced the appointment of the following tellers to take up and count the votes:

Messrs. Jacks, Lipscomb, Masterson and Parish of Runnels.

The votes being taken up and counted resulted as follows:

Mrs. V. D. Fugler received 74 votes.

Mrs. J. E. Crosby received 68 votes.

Mrs. V. D. Fugler having received a majority of all the votes cast was declared duly elected Calendar Clerk of the House of Representatives.

ELECTION OF DOORKEEPER.

The Speaker announced that the next business in order is the election of a Doorkeeper.

Hon. A. J. Durham of Uvalde county nominated W. M. Dickinson of Travis county.

Hon. Bowd Farrar of Ellis county seconded the nomination of W. M. Dickinson and moved that the entire vote of the House be cast for W. M. Dickinson of Travis county for Doorkeeper.

(Mr. Satterwhite in the chair.)

The motion prevailed, and W. M. Dickinson was declared duly elected Doorkeeper of the House.

ELECTION OF ASSISTANT DOORKEEPER.

The Speaker announced that the next business in order is the election of Assistant Doorkeeper.

Hon. Tom DeBerry of Red River county nominated G. A. Atkinson of Grayson county for Assistant Doorkeeper.

Hon. P. C. Sanders of Palo Pinto county nominated B. W. Nowlin of Travis county.

Hon. Thomas J. Renfro of Mills county nominated Phil H. Clements of Mills county.

Hon. A. L. Pearce of Coleman county seconded the nomination of G. A. Atkinson.

Hon. J. C. Hall of Colorado county seconded the nomination of Phil H. Clements.

Hon. J. H. Boggs of Tom Green

county seconded the nomination of G. A. Atkinson.

Hon. Reuben Loftin of Clay county seconded the nomination of G. A. Atkinson.

Hon. Walter Acker of Harris county seconded the nomination of Phil H. Clements.

Hon. Olan R. Van Zandt of Grayson county seconded the nomination of G. A. Atkinson.

Hon. E. S. Cummings of Taylor county seconded the nomination of G. A. Atkinson.

The Speaker announced the appointment of the following committee to take up and count the votes:

Messrs. Woodall, Sutton, Parish of Runnels and Daniel.

The votes being taken up and counted resulted as follows:

B. W. Nowlin received 9 votes.

Phil H. Clements received 25 votes.

G. A. Atkinson received 105 votes.

G. A. Atkinson having received a majority of all the votes cast was declared duly elected Assistant Doorkeeper of the House of Representatives.

ELECTION OF CHAPLAIN.

The Speaker announced that the next business in order is the election of Chaplain.

Hon. Claud D. Teer of Williamson county nominated J. C. Mitchell of Travis county for Chaplain of the House of Representatives.

Hon. Roy J. Daniel of Wichita county nominated F. S. Rountree of Burnet county for Chaplain of the House of Representatives.

Hon. Dewey Young of Collingsworth county seconded the nomination of J. C. Mitchell.

The Speaker appointed the same tellers acting as before to take up and count the votes.

The votes being taken up and counted resulted as follows:

J. C. Mitchell received 85 votes.

F. S. Rountree received 52 votes.

J. C. Mitchell having received a majority of all votes cast was declared duly elected Chaplain of the House.

(Speaker in the chair.)

OATH OF OFFICE ADMINISTERED.

The constitutional oath of office was administered by the Speaker to the following elected officers of the House:

Carl Phinney, Chief Clerk.

Joe W. White, Sergeant-at-Arms.

A. C. Dunn, Reading Clerk.

Percy V. Foreman, Assistant Reading Clerk.

J. L. Robinson, Journal Clerk.

W. M. Dickinson, Doorkeeper.

G. A. Atkinson, Assistant Doorkeeper.

J. C. Mitchell, Chaplain.

PROVIDING FOR HOUSE JOURNAL.

Mr. Woodruff offered the following resolution:

Resolved by the House of Representatives, That one thousand copies of the House Journal be printed of the first day, and six hundred each remaining day of the session, one hundred to be delivered to the Senate, one copy to be placed on each member's desk daily, three copies to be delivered to the head of each State Department, seventy-five copies to the State Library, and the remainder to be left with the Sergeant-at-Arms for distribution under the direction of the Speaker.

The resolution was read second time and was adopted.

PROVIDING FOR NEWSPAPERS FOR MEMBERS.

Mr. Forbes offered the following resolution:

Resolved, That each member be allowed three newspapers daily during the Regular Session of the Fortieth Legislature, to be paid out of the contingent fund of the House.

The resolution was read second time and was adopted.

COMMITTEE TO NOTIFY GOVERNOR AND SENATE.

Mr. Petsch offered the following resolution:

Resolved, That the Speaker appoint two committees of three members each, one to notify the Governor and the other to notify the Senate that the House is now organized and ready for business.

The resolution was read second time and was adopted.

In accordance with the above action the Speaker announced the appointment of the following committees:

To notify the Governor—Messrs. Lof-tin, Hagaman and Hefley.

To notify the Senate—Messrs. Kirby, Fly and Pool.

(Mr. Jacks in the chair.)

ADOPTING MASCOT.

Mr. Montgomery offered the following resolution:

Whereas, The organization of the House is about completed; and

Whereas, We have with us today the proper person for the office of Mascot of the House of Representatives of the Fortieth Legislature; therefore, be it

Resolved, That Robert Lee Bobbitt, Jr., be and he is hereby officially named by this House as Mascot of the House of Representatives of the Fortieth Legislature of the State of Texas.

The resolution was read second time and was adopted.

(Speaker in the chair.)

MESSAGE FROM THE GOVERNOR.

The Secretary to the Governor appeared at the bar of the House and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

To the Honorable Fortieth Legislature of the State of Texas, Austin, Texas:

Gentlemen: You meet today in regular session under authority of law. I extend you cordial greetings and congratulations. You assemble at a time of public need and under auspicious conditions. If, at this session, you are able to satisfy the needs of the people, they will call your name "blessed," and you will be honored by all posterity.

I.

The law makes it my duty to advise you of the condition of the State. It is unnecessary in this communication to dwell at length, or to repeat that which is already a public record. Suffice to say, however, you are respectfully referred to the official reports of the heads of the different departments and officers of the State which have already been printed and are available for your use and consideration. It may be remarked in passing, however, that the business condition of the State is in a healthy condition. This administration has paid all the deficiencies and debts of the former administration, and the State is now upon a cash basis. At the close of business on Saturday, January 8, 1927, there was a net balance in the Treasury to the credit of the general revenue fund of \$1,568,653.16 after caring for all warrants outstanding.

II.

Under the law, I desire to recommend to you legislation deemed expedient. The Constitution provides that taxes should be equal and uniform. Heretofore, the general idea has been that this provision means that taxes should be

equal as to property without reference to people or the character of business. I suggest that the time has come when the question of taxation, levied by the Government, must be considered from the standpoint of persons and business as well as property. With the increasing demands of the Government for revenue, you, as a legislature, will be confronted with the idea of who can pay as well as who should pay. It is a foolish statesman who deludes himself with the idea that he can collect taxes from property or people who do not or cannot produce earnings sufficient to pay taxes. Under the idea of equalizing taxes against property, we have come to the point of a most unequal tax system in our State.

A recent statement of the Tax Commissioner will disclose that out of every dollar of taxes paid about 68 per cent is collected from farm and pasture land and city real estate, leaving only 32 per cent to be collected from other sources. This is, of course, neither equal nor uniform taxation. Therefore, I recommend that the collection of some ten or eleven million dollars of ad valorem taxes be abolished, and that said amount of taxes be raised hereafter by a tax on manufactured cigarettes, chewing gum and cosmetics. These are luxuries now escaping their just proportion of taxation. The class of people using these articles have not paid their just part for the upkeep of the Government. Country and city real estate has paid the expenses of the Government to the breaking point. As a result, no farm, ranch or city real estate is now paying more than a meager return on its valuation. Even after the ad valorem taxes were removed, the local, city and county taxes would leave all real estate over-burdened with taxes.

Let no one raise the argument that it would be expensive to collect this tax. The Government could merely print the tax stamp and pass a criminal statute for sale of any of the articles that did not bear the tax, and a great saving could be made over the present law of paying a substantial commission for assessing and collecting ad valorem taxes.

A tax of \$2.00 per thousand on manufactured cigarettes, four billion of which are consumed in Texas every year, will yield the revenue of eight million dollars. A tax on cigars and cosmetics will easily produce two million more, making ten million, the amount now collected for ad valorem taxes.

Gasoline Tax.

In connection with the question of taxes is the ever-recurring problem of how to raise revenue for roads and schools. There is an ever-recurring conflict between the demand of county and State. I have given the matter serious consideration, and I have decided to recommend to you the passage of a law levying a tax of five cents per gallon on gasoline and a small tax on crude production. This tax will produce a revenue of \$25,000,000. Of the five cent tax on gasoline, I would set aside three cents for the support of the State Highway Department for the maintenance and construction of State designated highways. I would set aside one cent to supplement the public school fund, and the remaining one cent, I would set aside and give to the counties of the State in proportion to population with some reasonable limit as to the amount to be received by any one county. I would then repeal and abolish all taxes now collected on automobiles and motor vehicles, and thereby avoid any further discussion of the inequalization of the present law. While all consumers of gasoline would be required to pay the five cent tax, a provision can be made for refund on all gasoline used for purposes other than transportation.

In all seriousness, I urge your careful consideration of this recommendation, and I trust it will receive your approval.

III.

In my message to the last Called Session of the Legislature, I reported the collection of two thousand dollars collected from the bondsman, L. W. Pierce, out of which I have paid the sum of \$552.42 to defray the expense of rearrest and apprehension of said defendant, and there remains in my hand \$1447.58 of said sum, which in due course I will turn over to my successor with vouchers attached.

IV.

Since the adjournment of the Called Session of the Legislature, it has become necessary to issue deficiencies in the total sum of \$180,500, an itemized list of which is hereto attached for your consideration.

V.

The last Legislature appropriated for the support of the State Government for this biennium in round numbers

some \$36,500,000. I see no reason why this Legislature should appropriate any more. I am quite well aware that there will be an insistent demand on the present Legislature to grant appropriations for every conceivable thing under the sun, and I want to urge the Legislature to now stand firm between the demands of the tax eater and the people. It ought to be more a question of what the people are able to pay than it is what they want. If an individual knowingly buys more than he can pay for, he is to some degree at least dishonest. The Government should be governed by the same standard, and any administration that appropriates more money than the people are able to pay is recreant to its duty. And again, let me call attention to the fact there is a constitutional limitation of thirty-five cents for ad valorem taxes, and I trust that this limitation will not be lost sight of in your deliberation.

A Final Word.

In conclusion, let me say that, although I shall soon pass into private life, I want to take this opportunity to thank the membership of this Legislature who were members of the preceding Legislature for their uniform courtesy, respect and co-operation with my administration. I trust that the same high standard of patriotic endeavor that prompted you in the past will continue for the common good of the great people of Texas whose honor and privilege it has been mine and yours to respect.

Respectfully yours,
MIRIAM A. FERGUSON,
Governor of Texas.

PROVIDING FOR EMPLOYES OF THE HOUSE.

Mr. Poage offered the following resolution:

Resolved, That the Speaker of the House shall appoint the following employes for the Regular Session of the Fortieth Legislature to serve for such compensation as is hereafter provided:

One private secretary to the Speaker, \$7.50 per day.

One stenographer for the Speaker, \$6.00 per day.

One porter for the Speaker, \$3.00 per day.

One page for the Speaker, \$3.00 per day.

One assistant to the Chief Clerk, \$5.00 per day.

One Warrant Clerk, \$5.00 per day.

One assistant to Journal Clerk, \$7.50 per day.

One assistant to Calendar Clerk, \$7.50 per day.

One assistant to the Sergeant-at-Arms, \$5.00 per day.

One supervisor of engrossing and enrolling of bills, \$10.00 per day.

One head clerk for engrossing division of bills, \$7.50 per day.

One head clerk for enrolling division of bills, \$7.50 per day.

As many expert typists as in the judgment of the Speaker are needed, \$5.00 per day.

One clerk for Appropriations Committee, \$7.50 per day.

One stenographer for Appropriations Committee, \$5.00 per day.

One superintendent of stenographers, \$7.50 per day.

Thirty-five expert stenographers, \$5.00 per day each.

Twelve committee clerks, \$5.00 per day each.

One mailing clerk for Journal, \$5.00 per day.

One page for the Doorkeeper, \$2.50 per day.

One page for engrossing and enrolling division, \$2.50 per day.

One page for stenographic force, \$2.50 per day.

Twenty-two pages, \$2.50 per day each.

One page for Mr. Van Zandt of Grayson county, \$4.00 per day.

One page for Mr. DeBerry of Red River county, \$4.00 per day.

One clerk to the Sergeant-at-Arms, \$7.50 per day.

One page to the Sergeant-at-Arms, \$3.00 per day.

One night watchman, \$3.00 per day.

One elevator man, \$4.00 per day.

One supervisor of House, \$5.00 per day.

Two messengers to carry papers to Confederate Home and to Woman's Confederate Home, \$2.00 per day each.

Twelve porters, \$3.00 per day each.

One chief operator for voting machine, \$7.50 per day.

One assistant operator for voting machine, \$5.00 per day.

Be it further resolved, That it shall be the duty of the Speaker, and he is hereby empowered to dispense with the services of any employe who in his judgment is not further needed, and for misconduct of any employe, and further he shall have the power to appoint extra help when in his judgment it is needed. The duties of the employes as

hereinbefore mentioned, shall be such as are required by the Speaker of the House of Representatives.

Any of the employes may be excused by the Speaker for causes deemed by him sufficient, provided further that any employe who shall absent himself without leave shall not receive any compensation for the time missed during said absence. The salaries of the employes shall begin when they are instructed to begin work by the Speaker.

Signed—Poage, Farrar, Teer.

The resolution was read second time and was adopted.

ADJOURNMENT

On motion of Mr. Barron, the House, at 5:45 o'clock p. m., adjourned until 2 o'clock p. m. tomorrow.

SECOND DAY.

(Wednesday, January 12, 1927.)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

Acker.	Forbes.
Albritton.	Foster.
Alexander.	Fuchs.
Anderson.	Gates.
Avis.	Gibson.
Barnett.	Gilbert.
Barron.	Graves.
Bass.	Gray.
Bateman.	Hagaman.
Beck.	Hall.
Black.	Harding.
Boggs.	Harman.
Bonham.	Hefley.
Boon.	High.
Branch.	Holder.
Brown.	Holland.
Conway.	Hornaday.
Cornwell.	Jacks.
Cox.	Johnson.
Cummings.	Jones.
Dale.	Justice.
Daniel.	Kayton.
Davis.	Kemble.
Denman.	Kennedy.
Dielmann.	Kenyon.
Dunlap.	Kincaid.
Durham.	King of Hopkins.
Duvall.	King
Eickenroht.	of Throckmorton.
Enderby.	Kinnear.
Farrar.	Kirby.
Faulk.	Kirkland.
Finlay.	Kittrell.
Fly.	Land.

Lipscomb.	Shirley.
Loftin.	Simmons.
Long.	Sinks.
Loy.	Smith
McCombs.	of Atascosa.
McGill.	Smith of El Paso.
McKean.	Smith of Nueces.
Masterson.	Smith of Smith.
Merritt.	Smyth.
Minor.	Snelgrove.
Moore.	Stell.
Montgomery.	Stevenson.
Morse.	Storey.
Moursund.	Stout.
Murphy.	Sutton.
Nabors.	Swain.
Nicholson.	Taylor.
Olsen.	Teer.
Parish of Runnels.	Tillotson.
Parrish of Travis.	Turner.
Pavlica.	Van Zandt.
Pearce.	Veatch.
Petsch.	Walker.
Poage.	Wallace
Pope.	of Freestone.
Porter.	Wallace
Powell.	of Panola.
Ramsey.	Wallace of Smith.
Rawlins.	Ware.
Renfro of Angelina.	Wassell.
Renfro of Mills.	Webb.
Rogers of Hays.	Wells.
Rogers of Shelby.	Whitaker.
Rowell.	Williams of Sabine.
Runge.	Williams
Sanders.	of Travis.
Satterwhite.	Williamson.
Shaver.	Woodall.
Shearer.	Woodruff.
Sheats.	Young.

Absent.

Bird.	Snelgrove.
Reagan.	Waddell.

Absent—Excused.

DeBerry.	Purl.
Pool.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Pool for today and the balance of the week, on motion of Mr. Powell.

Mr. Turner for yesterday, on motion of Mr. Bonham.

The following members were granted leaves of absence on account of illness:

Mr. DeBerry for today, on motion of Mr. Jacks.